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No. 5 of 2008

First Session Ninth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Retiring Allowances (Legislative
Service) Act, Chap. 2:03

THE RETIRING ALLOWANCES (LEGISLATIVE SERVICE)
(AMENDMENT) BILL, 2008

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill seeks to amend the Retiring Allowances (Legislative Service) Act, Chap. 2:03.

Clause 1 of the Bill contains the short title, commencement and inconsistency with the Constitution provisions.

Clause 2 of the Bill contains the interpretation section.

Clause 3 of the Bill would amend section 6 of the Act which deals with the rate of the retiring allowance.

Clause 4 of the Bill would amend section 8 of the Act which deals with gratuity.

Clause 5 of the Bill would amend section 9 of the Act which deals with the widow's allowance.

Clause 6 of the Bill would amend section 10 of the Act which deals with the children's allowance.

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[, 2008]

WHEREAS it is enacted by section 13(1) of the ^{Preamble} Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:—

Short title, commencement and inconsistency with the Constitution **1.** (1) This Act may be cited as the Retiring Allowances (Legislative Service) (Amendment) Act, 2008.

(2) Sections 3, 4, 6 and 7 are deemed to have come into effect from November 21, 1996 and sections 5 and 8 are deemed to have come into effect from October 17, 2002.

(3) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation Chap. 2:03 **2.** In this Act, “the Act” means the Retiring Allowances (Legislative Service), Act.

Section 6 amended **3.** Section 6 of the Act is amended in subsection (1), by deleting paragraph (a) and substituting the following paragraph:

“(a) in the case of a person who has served as a legislator for periods amounting in the aggregate to not less than five years, be at an annual rate equal to one-sixth of one year’s basic salary of that person;”

Section 8 amended **4.** Section 8 of the Act is amended in subsection (1), by deleting all the words occurring after the words “equal to” and substituting the words “one-fifth of the basic salary received during his period of service as a legislator, except that in the case of a legislator to whom

paragraph (a) or (c) refers, the gratuity shall not exceed three years' salary at the highest annual rate of basic salary payable at any time to such person as a legislator.”.

5. Section 9 of the Act is amended by deleting subsection (1A) and substituting the following subsection: Section 9 amended

“(1A) Notwithstanding section 5 (1)(a) and (c), where a legislator dies during the course of duty and leaves a surviving spouse, there shall be paid to the surviving spouse during that person’s lifetime and while unmarried, the allowance that the surviving spouse would have received had the deceased legislator satisfied the requirements of section 5(1)(a) and (c) for the award of a retiring allowance.”.

6. Section 10 of the Act is amended in subsection (1), by deleting the words “within section 9(1)(a) or (b)” and substituting the words “within section 9(1)(a), (b) or (1A)”; Section 10 amended

Passed in the House of Representatives this
day of _____, 2008.

Clerk of the House

I confirm the above.

Speaker

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say, by the votes of _____ members of the House.

Clerk of the House

6

Passed in the Senate this day of , 2008.

Clerk of the Senate

I confirm the above.

President of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of Senators.

Clerk of the Senate

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FIRST SESSION
NINTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

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Allowances (Legislative Service) Act,
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Received and read the

First time

Second time

Third time
